

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

CENTER ONE, LLC

Defendant.

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: Civil Action No. 2:19-cv-01242-DSC
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DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT

AND NOW, comes Defendant, Center One, LLC, by and through the undersigned counsel, and files the within Motion to Dismiss Plaintiff’s Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), and in support thereof, avers as follows:

1. On September 27, 2019, Plaintiff filed a Complaint in Civil Action against Defendant Center One, LLC, asserting claims of discrimination on the basis of religion in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (“Title VII”). *See generally*, Doc. No. 1.

2. The Complaint alleges that Defendant failed to accommodate a sincerely held religious belief that conflicted with a job requirement of the Defendant, resulting in Mr. Ford’s constructive discharge. *Id.*

3. Defendant now timely files the within motion to dismiss Plaintiff’s Complaint for failure to state a claim upon which relief can be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6). Defendant’s Brief in Support of its Motion to Dismiss is incorporated herein by reference.

WHEREFORE, Defendant Center One, LLC respectfully requests that the Court enter an Order, substantially in the form appended hereto, dismissing the Complaint in its entirety, with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6).

Respectfully submitted,

MARGOLIS EDELSTEIN

BY: /s/ Emily E. Mahler

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Counsel for Defendant

Center One, LLC

CERTIFICATE OF SERVICE

I, Emily E. Mahler, Esquire, hereby certify that a true and correct copy of the within Motion to Dismiss has been served upon the following individuals via Notice of Electronic Filing, this 5th day of December, 2019:

Gregory A. Murray
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MARGOLIS EDELSTEIN

BY: /s/ Emily E. Mahler
Emily E. Mahler, Esquire
Counsel for Defendant
Center One, LLC